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09/920,910	08/02/2001	Miraj Mostafa	836-010509-US (PAR)	7123
2512 Perman & Green, LLP 99 Hawley Lane Stratford, CT 06614	7590 12/06/2010		<div>EXAMINER</div> <div>MACILWINEN, JOHN MOORE JAIN</div>	
			<div>ART UNIT</div> <div>2442</div>	<div>PAPER NUMBER</div>
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/920,910

**Applicant(s)**

MOSTAFA, MIRAJ

**Examiner**

JOHN M. MACILWINEN

**Art Unit**

2442

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 60-86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 60-86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 10/07/2010 have been fully considered.
2. On pages 9 - 10, Applicant argues that the cited prior art fails to teach the newly added claim limitations including that a notification message is send "in response to the storing of the multimedia message" and newly claimed limitations regarding "information describing the streamable component ... presentation description information ... access mechanism ... type of media ... encoding ... protocol(s) ...". Applicant's arguments regarding these newly added limitations are persuasive and thus a new grounds of rejection has been made, further in view of Helferich (US 6,636,733 B1) and RFC 2327 (Handley et al. SDP: Session Description Protocol. <http://tools.ietf.org/pdf/rfc2327>. April 1998.) Said new grounds of rejection is discussed in further detail below.
3. Continuing on page 10, Applicant argues the validity of the combination of Luzeski in view of Parasnis. Applicant argues that "Parasnis relates to video conferencing in fixed networks whereas Applicant's claim 60 relates to wireless multimedia messaging". Applicant's arguments directed to Luzeski in view of Parasnis are not persuasive as Luzeski in view of Parasnis were not relied upon to teach "wireless multimedia messaging". Applicant continues to argue that the combination of Luzeski in view of Parasnis is "based solely on the impermissible use of hindsight ... as it is clear that neither Luzeski nor Parasnis disclose any hint or suggestion towards modifying Luzeski towards the use of streaming as disclosed by Parasnis in the context of video conferencing". Applicant's arguments continue to be unpersuasive as Luzeski

is directed towards multimedia streaming (e.g., Luzeski, col. 12 lines 25 - 45). That Parasnis envisions additional types of multimedia streaming does not render the combination of Luzeski in view of Parasnis incompatible or support Applicant's allegation that the combination has been made utilizing hindsight.

4. Continuing on page 10 - 11, Applicant argues that at the time of the invention sending "multimedia messages with large videos over wireless connections" had not been anticipated. However, the argued "multimedia messages with large videos" does not correspond to Applicant's claim language, and thus Applicant's arguments continue to be unpersuasive.

5. Applicant concludes by continuing to argue the newly recited claim limitations. As noted above, in view of Applicant's amendments, a new grounds of rejection has been made in view of Helferich and RFC 2327; said new grounds of rejection is discussed in further detail below.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 60 – 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luzeski (US 6,430,177 B1) in view of Parasnis (US 6,728,753 B1), further in view of

Helferich (US 6,636,722 B1) and RFC 2327 (Handley et al. SDP: Session Description Protocol. <http://tools.ietf.org/pdf/rfc2327>. April 1998).

8. Regarding claim 60, Luzeski shows a method comprising storing by a messaging server a multimedia message including a streamable media component (*col. 12 lines 15 – 54*) and information describing the streamable media component (*col. 14 lines 49 - 55, col. 17 lines 8 - 26*)

sending a notification message by the messaging server to a recipient terminal indicative that the multimedia message is available for retrieval by the recipient terminal (*col. 11 lines 23 – 60, col. 17 lines 2 – 18, col. 18 lines 33 – 35, col. 20 lines 17 - 30 and lines 43 - 47*)

receiving by the messaging server a request for the multimedia message that has been notified to the recipient terminal from the said recipient terminal and responsively sending by the messaging server to the recipient terminal the multimedia message containing the information describing the streamable media component as a component of the multimedia message (*col. 20 line 54 – col. 21 line 12*)

and forming a connection between the messaging server to which the recipient terminal sent the request and the recipient terminal (*Fig. 4D and col. 20 line 55 - col. 21 line 12*).

Luzeski does not show forming a streaming media session between the messaging server and the recipient terminal, using information describing the streamable media component.

Parasnis shows forming a streaming media session between the messaging

server and the recipient terminal, using information describing the streamable media component (*col. 20 lines 22 – 67*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Luzeski with that of Parasnis in order to utilize the continuous transmission capabilities of streamable media sessions (*Parasnis, col. 2 lines 39 - 42*).

Luzeski in view of Parasnis do not show where the recipient terminal is wireless and where the notification message is sent in response to the storing of the multimedia message.

Helferich shows where the recipient terminal is wireless and where the notification message is sent in response to the storing of the multimedia message (*Fig. 1, item 10, Fig. 2 items 202, 204, 208 and 210, col. 3 lines 15 - 20*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Luzeski in view of Parasnis with that of Helferich in order to support additional system configurations, such as wireless configurations, increasing the number of supported client devices.

Luzeski in view of Parasnis and Helferich do not show all of: where the information describing the streamable component comprises presentation information that includes the network address of the messaging server, details of an access mechanism by use of which media content can be retrieved from the messaging server, the type of media to be streamed, the encoding method(s) used to encode the media content and an indication of the transport protocol(s) to be used for media downloading.

RFC 2327 shows where the information describing the streamable component comprises presentation information that includes the network address of the messaging server (pg. 8, bottom, showing “c=IN IP4 **224.2.17.12/127**”; *emphasis added*), details of an access mechanism by use of which media content can be retrieved from the messaging server (pg. 8, bottom, showing Internet access utilizing the IP4 access mechanism “c=**IN IP4 224.2.17.12/127**”; *emphasis added*), the type of media to be streamed (pg. 9, showing the audio media type via “m=**audio 49170 RTP/AVP 0**”), the encoding method(s) used to encode the media content (pg. 9 and pg. 12, showing encoding via “m=audio 49170 RTP/**AVP 0**”, which shows using the “AV profile” with “payload type 0” which provides the required “encoding information”), and an indication of the transport protocol(s) to be used for media downloading (pg. 20 showing that “the third sub-field is the transport protocol”, pg. 5 showing where SDP specifies “the transport protocol...” and the example on page 9 showing specifying RTP as the transport protocol via “m=audio 49170 **RTP/AVP 0**”; *emphasis added*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Luzeski in view of Parasnis and Helferich with that of RFC 2327 in order to utilize a “Internet standards track protocol for the Internet community” (RFC 2327, pg. 1), utilizing said Internet standard in environment for which is was designed; that is the Internet environment of Luzeski in view of Parasnis and Helferich (Luzeski, Fig. 1 item 16; Parasnis Fig. 9 item 1180, and Helferich, Fig. 1 item 20).

**9.** Regarding claim 61, Luzeski in view of Parasnis, Helferich and RFC 2327 further show wherein the messaging server receives the streamable media component and the information describing the streamable media component from a sending terminal before storing the streamable media component and the information describing the streamable media component (*Luzeski, col. 12 lines 25 - 54*).

**10.** Regarding claim 62, Luzeski in view of Parasnis, Helferich and RFC 2327 further show wherein the messaging server receives the streamable media component and the information describing the streamable media component in separate messages (*Luzeski, col. 12 lines 5 – 16 and lines 25 – 37*).

**11.** Regarding claim 63, Luzeski in view of Parasnis, Helferich and RFC 2327 further show wherein the multimedia message includes at least one non-streamable component (*Luzeski, col. 13 lines 1 – 25, col. 14 lines 45 – 53 and col. 16 lines 62 – 65*).

**12.** Regarding claim 64, Luzeski in view of Parasnis, Helferich and RFC 2327 further show wherein the streaming session is formed under one of the following protocols: hyper text transport protocol and real-time streaming protocol (*RFC 2327, pg. 2, paragraph 2*).

**13.** Regarding claim 65, Luzeski in view of Parasnis, Helferich and RFC 2327 further show further including receiving by the messaging server by streaming the streamable media component generated at the sending terminal (*Luzeski col. 12 lines 25 – 58*).

**14.** Regarding claim 66, Luzeski in view of Parasnis, Helferich and RFC 2327 further show wherein the recipient wireless terminal is used by a recipient user and the



streaming session is formed at discretion of the user (*Luzeski col. 12 lines 39 - 46, col. 18 line 50 – col. 19 line 8 and col. 20 lines 58 - 60*).

**15.** Regarding claim 67, Luzeski in view of Parasnis, Helferich and RFC 2327 further show wherein the messaging server comprises a content server, the content server receiving the streamable media component from a sending terminal and transmitting the streamable media component to the recipient wireless terminal (*Luzeski col. 5 lines 46 – 53*).

**16.** Regarding claim 68, Luzeski in view of Parasnis, Helferich and RFC 2327 further show further including multicasting the streamable media component to at least one other recipient in addition to the recipient wireless terminal (*Parasnis col. 5 lines 39 - 42 and Fig. 12*).

**17.** Regarding claim 69, Luzeski in view of Parasnis, Helferich and RFC 2327 further show wherein the messaging server receives the streamable media component within a multimedia message addressed to the recipient wireless terminal (*Luzeski col. 11 lines 23 - 29 and col. 12 lines 25 - 47*).

**18.** Regarding claim 70, Luzeski shows a memory configured to store a multimedia message comprising a streamable media component (*Luzeski, col. 12 lines 25 - 54*) and information describing the streamable media component (*Luzeski, col. 14 lines 49 – 55 and col. 17 lines 8 – 26*);

a message connection interface contained by the messaging server (*Luzeski, Fig. 4D and col. 20 line 55 - col. 21 line 12*) configured to send a notification message to a recipient wireless terminal indicative that the multimedia message is available for

retrieval by the recipient wireless terminal (*Luzeski col. 11 lines 23 – 60, col. 17 lines 2 – 8, col. 18 lines 33 – 35 and col. 20 lines 17 – 30 and lines 43 – 47*);

a processor configured to include as a component of the multimedia message the information describing the streamable component (*Luzeski, col. 17 lines 4 – 21, col. 20 lines 43 – 47, col. 20 line 63 – col. 21 line 5*);

further configured to receive from the recipient wireless terminal a request for the multimedia message that has been notified to the recipient terminal and responsively to send to the recipient terminal the multimedia message containing the information describing the streamable media component as a component of the multimedia message (*Luzeski, col. 20 line 54 – col. 21 line 12*); and

Luzeski does not explicitly show all of:

a port configured to communicate with a plurality of terminals;

the port being further configured to form a streaming session with the recipient wireless terminal, using the information describing the streamable media component.

Parasnis shows a port (*Parasnis col. 22 lines 48 – 58*) configured to communicate with a plurality of terminals (*Parasnis col. 5 lines 39 – 42 and Fig. 12*),

the port being further configured to form a streaming session with the recipient wireless terminal, using the information describing the streamable media component (*Parasnis col. 20 lines 22 – 67*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Luzeski with that of Parasnis in order to utilize the continuous transmission capabilities of streamable media sessions (*Parasnis, col. 2*

*lines 39 - 42).*

Luzeski in view of Parasnis do not show where the recipient terminal is wireless and where the notification message is sent in response to the storing of the multimedia message.

Helferich shows where the recipient terminal is wireless and where the notification message is sent in response to the storing of the multimedia message (*Fig. 1, item 10, Fig. 2 items 202, 204, 208 and 210, col. 3 lines 15 - 20*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Luzeski in view of Parasnis with that of Helferich in order to support additional system configurations, such as wireless configurations, increasing the number of supported client devices.

Luzeski in view of Parasnis and Helferich do not show all of: where the information describing the streamable component comprises presentation information that includes the network address of the messaging server, details of an access mechanism by use of which media content can be retrieved from the messaging server, the type of media to be streamed, the encoding method(s) used to encode the media content and an indication of the transport protocol(s) to be used for media downloading.

RFC 2327 shows where the information describing the streamable component comprises presentation information that includes the network address of the messaging server (*pg. 8, bottom, showing "c=IN IP4 **224.2.17.12/127**"; emphasis added*), details of an access mechanism by use of which media content can be retrieved from the messaging server (*pg. 8, bottom, showing Internet access utilizing the IP4 access*

*mechanism "c=IN IP4 224.2.17.12/127"; emphasis added), the type of media to be streamed (pg. 9, showing the audio media type via "m=audio 49170 RTP/AVP 0"), the encoding method(s) used to encode the media content (pg. 9 and pg. 12, showing encoding via "m=audio 49170 RTP/AVP 0", which shows using the "AV profile" with "payload type 0" which provides the required "encoding information"), and an indication of the transport protocol(s) to be used for media downloading (pg. 20 showing that "the third sub-field is the transport protocol", pg. 5 showing where SDP specifies "the transport protocol..." and the example on page 9 showing specifying RTP as the transport protocol via "m=audio 49170 RTP/AVP 0"; emphasis added).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Luzeski in view of Parasnis and Helferich with that of RFC 2327 in order to utilize a "Internet standards track protocol for the Internet community" (RFC 2327, pg. 1), utilizing said Internet standard in environment for which is was designed; that is the Internet environment of Luzeski in view of Parasnis and Helferich (Luzeski, Fig. 1 item 16; Parasnis Fig. 9 item 1180, and Helferich, Fig. 1 item 20).

**19.** Regarding claim 71, Luzeski in view of Parasnis, Helferich and RFC 2327 further show wherein the port is further configured to transmit the streamable media component in sequential sub-parts to the recipient wireless terminal (Helferich, Fig. 1 item 10, col. 3 lines 15 – 20) during the streaming session (Luzeski col. 20 line 60 – col. 21 line 5).

**20.** Regarding claim 72, Luzeski in view of Parasnis, Helferich and RFC 2327 further show a notification server configured to receive the information describing the

streamable media component from a sending terminal (*Luzeski, col. 11 lines 24 – 34, col. 12 lines 26 – 58, col. 16 line 63 – col. 17 line 21 and col. 21 line 58 – col. 22 line 11*) and to send the information describing the streamable media component to the recipient wireless terminal in the notification message (*Luzeski, col. 5 lines 45 – 61 and col. 20 lines 18 – 30*).

**21.** Regarding claim 73, Luzeski in view of Parasnis, Helferich and RFC 2327 further show a content server configured to receive the streamable media component from a sending terminal and configured to transmit the streamable media component to the recipient wireless terminal (*Luzeski col. 5 lines 45 – 65 and col. 12 lines 25 – 58*).

**22.** Regarding claim 74, Luzeski in view of Parasnis, Helferich and RFC 2327 further show wherein the port is configured to receive the streamable media component within the multimedia message (*Luzeski col. 11 lines 23—29 and col. 12 lines 25 – 47*).

**23.** Regarding claim 75, Luzeski in view of Parasnis, Helferich and RFC 2327 further show wherein the port is configured to form the streaming session under one of the following protocols: hyper text transport protocol and real-time streaming protocol (*RFC 2327, pg. 2 paragraph 2*).

**24.** Regarding claim 76, Luzeski shows an apparatus comprising:

a reception mechanism configured to receive from a messaging server a notification message indicative of the presence of a multimedia message, the multimedia message comprising a streamable media component (*Luzeski, col. 14 lines 49 – 55, col. 20 lines 17 – 47*);

the a reception mechanism being configured to send to the messaging server a

request for the multimedia message and to responsively receive the multimedia message containing, as a component of the multimedia message, information describing the streamable media component (*Luzeski, col. 20 line 54 - col. 21 line 12*); and

forming a connection between the messaging server to which the recipient terminal sent the request and the recipient terminal (*Luzeski, Fig. 4D and col. 20 line 55 - col. 21 line 12*).

Luzeski does not show forming a streaming media session between the messaging server and the recipient terminal, using information describing the streamable media component.

Parasnis shows forming a streaming media session between the messaging server and the recipient terminal, using information describing the streamable media component (*Parasnis, col. 20 lines 22 – 67*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Luzeski with that of Parasnis in order to utilize the continuous transmission capabilities of streamable media sessions (*Parasnis, col. 2 lines 39 - 42*).

Luzeski in view of Parasnis do not show where the recipient terminal is wireless and where the notification message is sent in response to the storing of the multimedia message.

Helferich shows where the recipient terminal is wireless and where the notification message is sent in response to the storing of the multimedia message (*Fig.*

1, item 10, Fig. 2 items 202, 204, 208 and 210, col. 3 lines 15 - 20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Luzeski in view of Parasnis with that of Helferich in order to support additional system configurations, such as wireless configurations, increasing the number of supported client devices.

Luzeski in view of Parasnis and Helferich do not show all of: where the information describing the streamable component comprises presentation information that includes the network address of the messaging server, details of an access mechanism by use of which media content can be retrieved from the messaging server, the type of media to be streamed, the encoding method(s) used to encode the media content and an indication of the transport protocol(s) to be used for media downloading.

RFC 2327 shows where the information describing the streamable component comprises presentation information that includes the network address of the messaging server (pg. 8, bottom, showing "*c=IN IP4 224.2.17.12/127*"; *emphasis added*), details of an access mechanism by use of which media content can be retrieved from the messaging server (pg. 8, bottom, showing *Internet access utilizing the IP4 access mechanism "c=IN IP4 224.2.17.12/127"; emphasis added*), the type of media to be streamed (pg. 9, showing the audio media type via "*m=audio 49170 RTP/AVP 0*"), the encoding method(s) used to encode the media content (pg. 9 and pg. 12, showing encoding via "*m=audio 49170 RTP/AVP 0*", which shows using the "AV profile" with "payload type 0" which provides the required "encoding information"), and an indication of the transport protocol(s) to be used for media downloading (pg. 20 showing that "the

third sub-field is the transport protocol", *pg. 5 showing where SDP specifies "the transport protocol..." and the example on page 9 showing specifying RTP as the transport protocol via "m=audio 49170 **RTP**/AVP 0"; emphasis added*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Luzeski in view of Parasnis and Helferich with that of RFC 2327 in order to utilize a "Internet standards track protocol for the Internet community" (*RFC 2327, pg. 1*), utilizing said Internet standard in environment for which is was designed; that is the Internet environment of Luzeski in view of Parasnis and Helferich (*Luzeski, Fig. 1 item 16; Parasnis Fig. 9 item 1180, and Helferich, Fig. 1 item 20*).

**25.** Regarding claim 77, Luzeski in view of Parasnis, Helferich and RFC 2327 further show wherein the transceiver is further configured to receive the streamable media component in sequential sub-parts from the messaging server (*Luzeski, col. 20 line 60 – col. 21 line 5*).

**26.** Regarding claim 78, Luzeski in view of Parasnis, Helferich and RFC 2327 further show wherein the transceiver is further configured to send a message for another messaging device to the messaging server (*Luzeski col. 11 lines 24 – 35 and Helferich, col. 8 lines 25 - 26*).

**27.** Regarding claim 79, Luzeski in view of Parasnis, Helferich and RFC 2327 further show wherein the transceiver has been configured to form the streaming session under one of the following protocols: HTTP and RTSP (*RFC 2327, pg. 2 paragraph 2*).



**28.** Regarding claim 80, Luzeski in view of Parasnis, Helferich and RFC 2327 further show wherein the transceiver is further configured to receive a notification message regarding the message and to form the streaming session after receiving the notification message (*Luzeski col. 17 lines 1 – 21 and col. 20 lines 14 - 65*).

**29.** Regarding claim 81, Luzeski in view of Parasnis, Helferich and RFC 2327 further show wherein the transceiver is further configured to receive the information describing the streamable media component in the notification message (*Luzeski col. 11 lines 24 – 35 and col. 14 lines 48 – 55*).

**30.** Regarding claim 82, Luzeski in view of Parasnis, Helferich and RFC 2327 further show wherein the transceiver is further configured to form the streaming session at the discretion of a user of the apparatus (*Luzeski col. 12 lines 39 - 46, col. 18 line 50 – col. 19 line 8 and col. 20 lines 58 - 60*).

**31.** Regarding claim 83, Luzeski shows a method for multimedia messaging in a wireless messaging device, comprising:

receiving from a messaging server a notification message indicative of the presence of a multimedia message, the multimedia message comprising a streamable media component (*Luzeski, col. 14 lines 49 – 55, col. 17 lines 8 – 20 and col. 20 lines 17 – 47*);

sending to the messaging server a request for the multimedia message and responsively receiving the multimedia message containing, as a component of the multimedia message, information describing the streamable media component (*Luzeski, col. 20 line 54 – col. 21 line 12*) and

forming a connection with the messaging server to which the recipient wireless terminal sent the request (*Luzeski, Fig. 4D and col. 20 line 55 - col. 21 line 12*).

Luzeski does not show forming a streaming media session with the messaging server for receiving the streamable media component using information describing the streamable media component.

Parasnis shows forming a streaming media session with the messaging server for receiving the streamable media component using information describing the streamable media component (col. 20 lines 22 – 67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Luzeski with that of Parasnis in order to utilize the continuous transmission capabilities of streamable media sessions (Parasnis, col. 2 lines 39 - 42).

Luzeski in view of Parasnis do not explicitly show all of: receiving wirelessly, where the recipient terminal is wireless, and where the notification message is sent indicative of the presence of a multimedia message stored in the messaging server.

Helferich shows receiving wirelessly, where the recipient terminal is wireless, and where the notification message is sent indicative of the presence of a multimedia message stored in the messaging server (*Fig. 1, item 10, Fig. 2 items 202, 204, 208 and 210, col. 3 lines 15 - 20*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Luzeski in view of Parasnis with that of Helferich in order to support additional system configurations, such as wireless configurations,

increasing the number of supported client devices.

Luzeski in view of Parasnis and Helferich do not show all of: where the information describing the streamable component comprises presentation information that includes the network address of the messaging server, details of an access mechanism by use of which media content can be retrieved from the messaging server, the type of media to be streamed, the encoding method(s) used to encode the media content and an indication of the transport protocol(s) to be used for media downloading.

RFC 2327 shows where the information describing the streamable component comprises presentation information that includes the network address of the messaging server (pg. 8, bottom, showing “c=IN IP4 **224.2.17.12/127**”; *emphasis added*), details of an access mechanism by use of which media content can be retrieved from the messaging server (pg. 8, bottom, showing Internet access utilizing the IP4 access mechanism “c=IN IP4 224.2.17.12/127”; *emphasis added*), the type of media to be streamed (pg. 9, showing the audio media type via “m=audio 49170 RTP/AVP 0”), the encoding method(s) used to encode the media content (pg. 9 and pg. 12, showing encoding via “m=audio 49170 RTP/AVP 0”, which shows using the “AV profile” with “payload type 0” which provides the required “encoding information”), and an indication of the transport protocol(s) to be used for media downloading (pg. 20 showing that “the third sub-field is the transport protocol”, pg. 5 showing where SDP specifies “the transport protocol...” and the example on page 9 showing specifying RTP as the transport protocol via “m=audio 49170 **RTP/AVP 0**”; *emphasis added*).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the disclosure of Luzeski in view of Parasnis and Helferich with that of RFC 2327 in order to utilize a "Internet standards track protocol for the Internet community" (*RFC 2327, pg. 1*), utilizing said Internet standard in environment for which is was designed; that is the Internet environment of Luzeski in view of Parasnis and Helferich (*Luzeski, Fig. 1 item 16; Parasnis Fig. 9 item 1180, and Helferich, Fig. 1 item 20*).

**32.** Regarding claim 84, Luzeski in view of Parasnis, Helferich and RFC 2327 further show wherein the streaming session is formed under one of hyper text transport protocol and real-time streaming protocol (*RFC 2327, pg. 2 paragraph 2*).

**33.** Regarding claim 85, Luzeski shows a computer program embodied in a computer readable memory medium comprising computer program code which when executed by a messaging device (*Luzeski, col. 98 lines 10 – 20, col. 10 lines 58 – 64, col. 10 lines 50 col. 19 line 6, col. 19 lines 53 - 50*), causes the messaging device to perform a method comprising:

receiving from a messaging server a notification message indicative of the presence of a multimedia message, the multimedia message comprising a streamable media component (*Luzeski col. 14 lines 49 – 55, col. 17 lines 8 – 20 and col. 20 lines 17 – 47*);

sending to the messaging server a request for the multimedia message and responsively receiving the multimedia message containing, as a component of the multimedia message, information describing the streamable media component (*Luzeski, col. 20 line 54 – col. 21 line 12*) and

and forming a connection with the messaging server to which the recipient terminal sent the request (*Luzeski, Fig. 4D and col. 20 line 55 - col. 21 line 12*).

Luzeski does not show forming a streaming media session between the messaging server and the recipient terminal, using information describing the streamable media component.

Parasnis shows forming a streaming media session between the messaging server and the recipient terminal, for receiving the streamable media component using information describing the streamable media component (*Parasnis, col. 20 lines 22 – 67*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Luzeski with that of Parasnis in order to utilize the continuous transmission capabilities of streamable media sessions (*Parasnis, col. 2 lines 39 - 42*).

Luzeski in view of Parasnis do not explicitly show all of: receiving wirelessly, where the recipient terminal is wireless, and where the notification message is sent indicative of the presence of a multimedia message stored in the messaging server.

Helferich shows receiving wirelessly, where the recipient terminal is wireless, and where the notification message is sent indicative of the presence of a multimedia message stored in the messaging server (*Fig. 1, item 10, Fig. 2 items 202, 204, 208 and 210, col. 3 lines 15 - 20*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Luzeski in view of Parasnis with that of Helferich in

order to support additional system configurations, such as wireless configurations, increasing the number of supported client devices.

Luzeski in view of Parasnis and Helferich do not show all of: where the information describing the streamable component comprises presentation information that includes the network address of the messaging server, details of an access mechanism by use of which media content can be retrieved from the messaging server, the type of media to be streamed, the encoding method(s) used to encode the media content and an indication of the transport protocol(s) to be used for media downloading.

RFC 2327 shows where the information describing the streamable component comprises presentation information that includes the network address of the messaging server (pg. 8, bottom, showing “c=IN IP4 **224.2.17.12/127**”; *emphasis added*), details of an access mechanism by use of which media content can be retrieved from the messaging server (pg. 8, bottom, showing Internet access utilizing the IP4 access mechanism “c=**IN IP4** 224.2.17.12/127”; *emphasis added*), the type of media to be streamed (pg. 9, showing the audio media type via “m=**audio** 49170 RTP/AVP 0”), the encoding method(s) used to encode the media content (pg. 9 and pg. 12, showing encoding via “m=**audio** 49170 RTP/**AVP 0**”, which shows using the “AV profile” with “payload type 0” which provides the required “encoding information”), and an indication of the transport protocol(s) to be used for media downloading (pg. 20 showing that “the third sub-field is the transport protocol”, pg. 5 showing where SDP specifies “the transport protocol...” and the example on page 9 showing specifying RTP as the transport protocol via “m=**audio** 49170 **RTP/AVP 0**”; *emphasis added*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Luzeski in view of Parasnis and Helferich with that of RFC 2327 in order to utilize a "Internet standards track protocol for the Internet community" (*RFC 2327, pg. 1*), utilizing said Internet standard in environment for which is was designed; that is the Internet environment of Luzeski in view of Parasnis and Helferich (*Luzeski, Fig. 1 item 16; Parasnis Fig. 9 item 1180, and Helferich, Fig. 1 item 20*).

**34.** Regarding claim 86, Luzeski in view of Parasnis, Helferich and RFC 2327 further show wherein the messaging server comprises a first server component for storing and providing the multimedia message (*Luzeski, e.g., Fig. 4D item 10 showing item 10-9, and col. 12 lines 25 - 48*) to the recipient wireless terminal (*Helferich, Fig. 1 item 10*) and a second server component for sending the notification (*Luzeski, e.g., col. 20 lines 40 - 50 and Fig. 4D, showing items 10-4 and 10-5*) of the multimedia message to and receiving the request for the multimedia message from the recipient wireless terminal (*Luzeski, e.g., Fig. 4D, showing items 10-4 and 10-5, col. 20 lines 30 - 65*).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. MacIlwain whose telephone number is (571) 272-9686. The examiner can normally be reached on M-F 7:30AM - 5:00PM EST; off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess, can be reached on (571) 272 - 3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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